IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3636 OF 2006

Guruswarup Srivastava ... Applicant
versus
State of Maharashtra & another ... Respondent

Mr.A.P.Mundargi with U.P.Warunjikar for applicant
Smt.M.H.Mhatre, APP for State.
Mr.Ejaaz Ahmed, Special PP for CBI.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd October 2006

PC :

1. The application for anticipatory bail preferred by the applicant before me is pending before the learned Special Judge, CBI, at the Sessions Court. The apprehension expressed by the applicant is that during the course of this hearing there is no protection in the form of interim anticipatory bail, and, therefore, it is likely that the applicant will be arrested. If such is the result, then the application before the Trial Court would be rendered infructuous.

2. Since there is no dispute that the

application is pending and it is being heard day to day, in my view, interest of justice would be subserved, if the present application is disposed of with a direction that the applicant shall not be arrested during pendency of the application before the learned Special Judge. This order does not prevent the prosecution from making appropriate submissions on the merits of the application so also the Trial Court from passing necessary order in accordance with law.

3. In the event learned Judge holds that the applicant is not entitled to anticipatory bail, it is open for the applicant to make a request that protection granted by this Court may be continued for some time to enable him to approach the higher Court. Such application, if made, shall be dealt with and considered by the learned Trial Judge in accordance with law.

(S.C.DHARMADHIKARI, J.)